

REMARKS

The Examiner is thanked for the due consideration of the application and for the acknowledgement of allowable subject matter.

Claims 1-7, 9, 10, 15, 16 and 22 remain pending in the application. By this amendment claim 8 is cancelled and its subject matter is generally incorporated into claim 1. Claim 1 has also been amended according to the Examiner's suggestion such that mutants of *Amycolatopsis sp.* IMI 390106 which are resistant to spectinomycin are omitted. These amendments reflect the interview of January 5, 2011 and, as such, no new issues are raised.

No new matter is believed to be added to the application by this amendment.

Entry of this amendment is respectfully requested because it raises no new issues and places the application in condition for allowance.

Rejection Under 35 USC §112, First Paragraph

Claims 1-10, 15-16 and 22 were rejected under 35 USC §112, first paragraph, as containing subject matter which was not described in the specification. This rejection is respectfully traversed.

The Office Action asserts that no basis or support is found in the present specification for the production of solid

vanillin substantially free from odoriferous substances with mutants of *Amycolatopsis sp.* IMI 390106 that are resistant to spectinomycin or for the production of vanillin containing not more than 100 ppm guaiacol from any and all substrates with mutants.

The Office Action also asserts that no basis or support is found in the present specification for the production of solid vanillin having a vanillin content of 98% to 100% from any substrates using the strain *Amycolatopsis sp.* IMI 390106 or mutants thereof, and that there is no clear indication in this record that substrates other than ferulic acid are biotransformed into vanillin by *Amycolatopsis sp.* IMI 390106 or mutants thereof.

However, independent claim 1 has been amended to not recite mutants and to recite the biotransformation of ferulic acid. As a result, the present invention is clearly compliant with the written description requirement.

This rejection is believed to be overcome, and withdrawal thereof is respectfully requested.

Rejection Under 35 USC §112, Second Paragraph

Claims 15 and 16 were rejected under 35 USC §112, second paragraph as being indefinite. This rejection is respectfully traversed.

The Office Action asserts that claims 15 and 16 are ambiguous and confusing in the recitation of "or mutants thereof". However, this recitation has been removed from claims

15 and 16. The claims are thus clear, definite and have full antecedent basis.

This rejection is believed to be overcome, and withdrawal thereof is respectfully requested.

Rejection Under 35 USC §103(a)

Claims 1-10, 15-16 and 22 were rejected under 35 USC §103(a) as being unpatentable over Rabenhorst et al. (U.S. Patent No. 6,133,003) taken with Muheim et al. (U.S. Patent No. 6,235,507) and Makin (U.S. Patent No. 4,474,994). This rejection is respectfully traversed.

The Office Action acknowledges that the Darricau Declaration filed December 1, 2010 was persuasive about the novelty and non-obviousness of a biotransformation process wherein *Amycolatopsis sp.* IMI 390106 is cultured in a ferulic acid containing culture medium to produce vanillin substantially free from odoriferous by-products.

Applicant acknowledges that the Office has fully considered the Darricau Declaration and stated that it is persuasive of the novelty and non-obviousness of a biotransformation process which comprises the biotransformation of ferulic acid by *Amycolatopsis sp.* IMI 390106 to produce vanillin substantially free from odoriferous by-products.

The claims have been instantly amended to reflect this allowable subject matter.

Accordingly any *prima facie* unpatentability that could possibly be alleged over the instant claims is fully rebutted.

This rejection is believed to be overcome, and withdrawal thereof is respectfully requested.

Conclusion

The issuance of a Notice of Allowability is respectfully solicited.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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